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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re:

Case No. 05-44481-rdd
Chapter 11
(Jointly Administered)

DPH HOLDINGS CORP., et al.,

Debtors.

_____X

DELPHI CORPORATION, et al.,

Adv. Proc. No. 07-02661-rdd

Plaintiff,

v.

SUMMIT POLYMERS INC.,

Defendant.

_____X

**NOTICE OF FILING OF AFFIDAVIT OF PETER M. GARVEY IN SUPPORT OF
SUMMIT POLYMERS INC.'S OPPOSITION TO REORGANIZED DEBTORS'
MOTION FOR LEAVE TO FILE AMENDED COMPLAINTS**

Summit Polymers Inc. ("Summit"), by its undersigned counsel and in further support of its opposition to the Reorganized Debtors' Motion for Leave to File Amended Complaints (the "Motion to Amend") against various preference defendants (collectively, the "Defendants"), including Summit, respectfully states:

1. Following dismissal of their initial complaint in this matter against Summit, the Reorganized Debtors filed their Motion to Amend on or about September 7, 2010.

2. Summit responded by filing its Brief in Opposition to Reorganized Debtors' Motion for Leave to File Amended Complaints on or about November 24, 2010.

3. The Reorganized Debtors filed their Omnibus Reply in Further Support of Motions for Leave to File Amended Complaints on or about January 28, 2011.

4. Summit filed a Joinder to the Sur-Replies in Opposition to Reorganized Debtors' Motion for Leave to File Amended Complaints on or about June 15, 2011.

5. On June 21, 2011, the Court held a hearing on the Motion to Amend and considered the various arguments that Summit and other Defendants raised in opposition. In particular, the Court authorized any Defendants that did not receive timely notice of the Supplemental Motion Pursuant to Fed. R. Bankr. P. 7004(a) and 9006(b)(1) and Fed. R. Civ. P. 4(m) to Extend Deadline to Serve Process for Avoidance Actions Filed in Connection with Preservation of Estate Claims Procedures Order [Docket No. 18952](the "Fourth Extension Motion"), the related motions filed prior to the Fourth Extension Motion, and/or the disclosure statement, to file a declaration to that effect within three weeks of the hearing date.

6. Summit did not receive notice of the Fourth Extension Motion, nor any of the Reorganized Debtors' related motions that were filed prior to the Fourth Extension Motion. Summit also did not receive notice of the disclosure statement. Accordingly, Summit submits the Affidavit of Peter M. Garvey on behalf of Summit Polymers Inc., attached hereto as **Exhibit 1**, and requests that the Reorganized Debtors' Motion to Amend be denied as to Summit on a final basis.

Dated: July 11, 2011

VARNUM LLP

By: /s/ Bryan R. Walters

Bryan R. Walters

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Attorneys for Defendant Summit Polymers, Inc.

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